HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 2522(S/S)2001
(Old No. 48420 of 2000)

Satish Kumar S/o Sri Raj Pal Singh,
Resident of Rasoolpur Kalan, Tehsil Bahat,
District Saharanpur. ----Petitioner.

Versus.

1. District Inspector of Sechools, Haridwar,
2. Accounts Officer, based at the Office of
   District Inspector of Schools, Haridwar,
3. Committee of Management, Kisan Inter College,
   Bahbalpur, P.O. Hallumajra, Haridwar,
   Through It's Manager,
4. Principal, Kisan Inter College,
   Bahbalpur, P.O. Hallumajra, Haridwar. ----Respondents.

None is for the petitioner and for respondent nos. 3 & 4.
Learned Standing Counsel for the respondent nos. 1 & 2.

Hon'ble M.M. Ghildiyal, J.

None is present either of the petitioner or for the respondent nos. 3 & 4. Heard Learned Standing Counsel for respondent nos. 1 & 2.

2. By means of this writ petition, the petitioners have prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of certiorari, calling for the records of the case and to quash the order dated 10.01.2000, passed by the District Inspector of Schools, Haridwar (annexure '2' to this writ petition),

ii. Issue a writ, order or direction in the nature of mandamus, commanding the District Inspector of Schools, Haridwar to forthwith appoint the petitioner as Class III employee, in any recognized institution, situated within the district of Haridwar, keeping in view the educational qualification of the petitioner and

commensurate to the educational qualification of the petitioner,

iii. Issue a writ, order or direction in the nature of mandamus, commanding the respondents not to implement the order dated 10.01.2000, passed by District Inspector of Schools, Haridwar (annexure '2' to the present writ petition) and the claim of the petitioner under the Dying-in-Harness Rules be kept intact and reserved and thereafter, employment be offered to the petitioner, keeping the educational qualification of the petitioner, on the date, when it is going to be considered afresh, after taking into account the educational qualification of the petitioner.

iv. Issue any other suitable writ, order or direction in the nature which this Hon'ble Court deems fit and proper in the facts and circumstances of the case,

v. Award costs of the petition to the petitioner.

3. Perusal of the impugned order dated 10.01.2000 passed by the District Inspector of Schools, Haridwar shows that the petitioner was provided appointment in Class IV post under Dying-in-harness Rules. The aforesaid appointment order has been challenged on the ground that the petitioner is qualified to be appointed as Class III employee, however by the aforesaid order, the petitioner has been provided appointment on Class IV post.

4. Counter affidavit has been filed by the respondents, wherein in para-6, the respondents have stated that the petitioner has already joined the services on 11.02.2002 on Class IV post.

5. Keeping in view the aforesaid facts, I am of the view that the petitioner is at liberty to file a representation before the

District Inspector of Schools, Haridwar for redressal of his grievances. And in case, the petitioner is qualified for the post of Class III employee and the posts are vacant, the District Inspector of Schools is expected to pass appropriate orders in accordance with law on the representation of the petitioner within a period of two weeks from the date of receipt of the representation from the petitioner.

6. With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal., J.)

May 23, 2006:
NCM: